

Message Text

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ACTION L-03

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EO 11652: N/A
TAGS: CPRS PDIP TH US
SUBJECT: AMENDMENT TO THAI-US EXTRADITION TREATY

REF: A) 77 STATE 179937; B) 76 STATE 96210
C) 76 STATE 58720 D) 76 BANGKOK 34674

1. IN PREPARATION FOR MFA CONSIDERATION MAY 18 OF US
PROPOSED DRAFT SUPPLEMENTARY CONVENTION TO EXTRADITION
TREATY, TREATY DIVISION HEAD CALLED IN EMBOFFS FOR INFORMAL
DISCUSSION MAY 12. MFA OFFICIALS RAISED FOLLOWING QUESTIONS
CONCERNING ARTICLE II, PARA (3) AND ART IX.

2. ART II, PARA (3): MFA OFFICIALS DO NOT UNDERSTAND
NECESSITY FOR PARA (3). WE REVIEWED EXPLANATION GIVEN
IN PARA 4 AND GAVE THEM SOME HYPOTHETICAL EXAMPLES.
NEVERTHELESS, MFA OFFICIALS STILL EVINCED SOME CONFUSION
AND REQUESTED EXAMPLES OF EXTRADITION CASES ON WHICH PARA (3)
WOULD HAVE EFFECT (I.E. ARE THERE CASES IN WHICH EXTRADITION
PROCEEDINGS FOUNDERED OR WOULD HAVE FOUNDERED IF THE PROPOSED
PARA (3) WERE NOT INCLUDED IN THE TREATY).

3. MFA OFFICIALS RAISED FOR FIRST TIME ART IX AND THE
POSSIBILITY OF AMENDING IT. MFA IS INTERESTED IN TREND
IN THE US REGARDING COST SHARING BECAUSE OF THE IMPLICATIONS
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OF THE EXISTING WORDING OF ART IX IN US-THAI TREATY. MFA
OFFICIAL REFERRED TO WORDING IN PROPOSED DRAFT INTER-AMERICAN
EXTRADITION CONVENTION, ART 3, WHICH STATES THAT REQUESTED
STATE WILL BEAR EXPENSES UNTIL ACCUSED IS TURNED OVER TO REQUEST-
ING STATE (P. 167 DIGEST OF INTERNATIONAL LAW PRACTICE, 1975).
HE REFERRED AS WELL TO US-ITALY BI-LATERAL TREATY ON
EXTRADITION (P. 168 DIGEST OF INTERNATIONAL LAW PRACTICE,

1975) AS YET ANOTHER FORMULATION.

4. MFA OFFICIAL POINTED OUT CURRENT RTG PRACTICE, DESPITE LANGUAGE OF EXISTING TREATY, IS TO BEAR FULL COSTS OF EXTRADITION PROCEEDINGS WITHIN THAILAND. HE THEN ASKED FOR CLARIFICATION OF USG ATTITUDE TOWARD THE BEARING OF "THE EXPENSE OF ARREST, DETENTION, EXAMINATION AND TRANSPORTATION OF THE ACCUSED," IN ART IX.

5. MFA OFFICIAL ASKED, FOR EXAMPLE, IF UNDER CURRENT CIRCUMSTANCES RTG MUST HAVE OWN LAWYER FOR EXTRADITION PROCEEDINGS TAKING PLACE IN US.

6. MFA OFFICIAL ALSO ASKED FOR CLARIFICATION OF MEANING OF "ASSISTANCE" AS USED IN US-ITALY BI-LATERAL TREATY ON EXTRADITION.

7. MFA OFFICIAL INDICATED PREFERENCE FOR REQUESTED PARTY BEARING ALL COSTS UNTIL ACCUSED IS TURNED OVER TO REQUESTING PARTY.

8. COMMENT: OUR IMPRESSION IS THAT MFA MAY BE WILLING TO ALLOW WORDING OF ART IX TO REMAIN UNCHANGED AS LONG AS, IN PRACTICE, REQUESTED PARTY ACTUALLY PAYS COSTS IN REQUESTED COUNTRY UNTIL ACCUSED IS TURNED OVER TO REQUESTING COUNTRY.
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9. TREATY DIVISION HEAD IS NOW TO JOB, WHICH MAY EXPLAIN SOME OF HIS REQUESTS FOR CLARIFICATION.

10. ACTION REQUESTED: THAT DEPT. PROVIDE ANSWERS TO QUESTIONS RAISED NO LATER THAN 16 MAY SO THAT EMBOFFS CAN PASS INFORMATION ON TO MFA OFFICIALS PRIOR TO MEETING OF RTG OFFICIALS ON EXTRADITION TREATY SCHEDULED TO TAKE PLACE NEXT WEEK.
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